

IN THE CIRCUIT COURT OF PETTIS COUNTY, MISSOURI

DAVID PRIESENDORF)

Plaintiff,)

vs.)

TYSON POULTRY, INC.)

d/b/a)

RIVER VALLEY ANIMAL FOODS)

Serve registered agent:)

CT Corporation System)

120 S Central Ave)

Clayton, MO 63105)

Defendant.)

Case No.: _____

PETITION FOR DAMAGES

COMES NOW Plaintiff David Priesendorf, by and through his attorney of record, and for his claims against Defendant Tyson Poultry, Inc. d/b/a River Valley Animal Foods (hereinafter referred to as "Defendant") alleges and states the following in support of his petition:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff David Priesendorf is an individual over the age of 18 and is a resident of Sedalia, Missouri.
2. Defendant Tyson Poultry, Inc. is a subsidiary of Tyson Foods, Inc., and was at all relevant times, a corporation incorporated in the state of Delaware and registered to do business in the state of Missouri.

3. At all relevant times, Defendant Tyson operated under the fictitious name River Valley Animal Foods.
4. That because Plaintiff's injury and all relevant events occurred in Pettis County, Missouri, this is the Court of proper jurisdiction and venue.
5. This Court has personal jurisdiction over Defendant as the negligence alleged in this Petition was committed in whole, or in part, in Missouri and Defendant is doing business in Missouri.

FACTS COMMON TO ALL COUNTS

6. On or about June 26, 2018, Plaintiff was working as a contractor in the transport of chicken parts to Defendant's plant in Pettis County, Missouri.
7. Defendant provided Plaintiff the use of its trailers to aid in the transport of the chicken parts to and from Defendant's facilities.
8. Upon information and belief, each trailer was equipped with a support beam and an 8-foot-long crank that was used to roll tarp over the top of the trailer.
9. Upon information and belief, the trailer Plaintiff was using on June 26, 2018, had a bent, defective support beam.
10. Upon information and belief, as Plaintiff was using the crank to roll the tarp on the trailer, the support beam suddenly snapped, causing the 8-foot-long crank to spin at an uncontrollable, high rate of speed, and striking Plaintiff in the head and shoulder.
11. Upon information and belief, Defendant is responsible for the inspection, maintenance, and repair of the trailers it owns and places in the custody of its users.
12. As a direct and proximate result of Defendant's failure to inspect, maintain, or repair the trailer, Plaintiff suffered serious, permanent injuries.

COUNT I – NEGLIGENCE

13. Plaintiff re-alleges and incorporates Paragraphs 1 through 12 as though fully set forth herein.

14. Defendant owed Plaintiff a duty to inspect, repair, and maintain the trailers it provides its contractors.

15. Defendant violated its duty to Plaintiff and thereby negligent in one or more of the following respects:

- a. Negligently and carelessly failed to inspect its trailers when Defendant knew or should have known that failure to do so could result in serious injury to those using the trailers;
- b. Negligently and carelessly failed to repair and/or replace the trailers when Defendant knew or should have known that failing to do so could result in serious injury to those using the trailers;
- c. Negligently and carelessly failed to warn Plaintiff of the dangerous condition when Defendant knew or should have known that failing to do so could result in serious injury;

16. As a direct result of the aforesaid occurrence Plaintiff was caused to sustain severe and permanent injuries.

WHEREFORE, Plaintiff respectfully requests judgment against Defendant in his Petition for Damages, for sums in excess of \$75,000.00, for costs incurred and expended herein, and for any other such relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff requests a jury trial on all issues in this case.

Respectfully submitted,

THE GOSS LAW FIRM, P.C.

/s/ *Peter E. Goss*

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ATTORNEYS FOR PLAINTIFF



IN THE 18TH JUDICIAL CIRCUIT, PETTIS COUNTY, MISSOURI

Judge or Division: ROBERT L. KOFFMAN	Case Number: 22PT-CC00032
Plaintiff/Petitioner: DAVID LEE PRIESENDORF	Plaintiff's/Petitioner's Attorney/Address PETER EDWARD GOSS 4510 BELLVIEW STE 201 KANSAS CITY, MO 64111
Defendant/Respondent: TYSON POULTRY, INC.	Court Address: 415 SOUTH OHIO SEDALIA, MO 65301
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: TYSON POULTRY, INC.

CT CORPORATION SYSTEM
120 S CENTRAL AVE, MO 63105

COURT SEAL OF



PETTIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

March 25, 2022

Date

SUSAN SADLER by /s/ Cindi Ross

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

☐ delivering a copy of the summons and petition to the defendant/respondent.

☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with

☐ _____, a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and petition to:

_____ (name) _____ (title).

☐ other: _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

AFFIDAVIT OF SERVICE

State of Missouri

County of PETTIS

Circuit Court

Case Number: 22PT-CC00032

Plaintiff:
DAVID LEE PRIESENDORF
vs.
Defendant:
TYSON POULTRY INC

For: GOSS LAW FIRM



POW2022003466

Received by D & B Legal Services, Inc. on the 15th day of April, 2022 at 12:45 pm to be served on TYSON POULTRY INC, CT CORPORATION SYSTEM, 120 S CENTRAL AVE, CLAYTON, MO 63105, being duly sworn, depose and say that on the 15 day of April, 2022 at 9:40 am, executed service by delivering a true copy of the Summons in Civil Case and Petition For Damages in accordance with state statutes in the manner marked below:

X () CORPORATE SERVICE: By serving DANIELE GARCIA
WAKE SPECIALIST

() CORPORATE SERVICE AT ALTERNATE ADDRESS: By serving _____ as _____ at the alternate address of _____

() PUBLIC AGENCY: By serving _____ as _____ of the within-named agency.

() NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: _____

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 19 day of April, 2024, by the affiant who is personally known to me.

Lawanda Rauss
NOTARY PUBLIC

PROCESS SERVER # _____
Appointed in accordance with State Statutes

D & B Legal Services, Inc.
P.O. Box 7471
Overland Park, KS 66207
(913) 362-8110

Our Job Serial Number: 2022003466

